

Justin L. Thomas, Esq. (SBN 288590)

**ZIMMER & MELTON, LLP**

11601 Bolthouse Drive, Suite 100

Bakersfield, California 93311

Telephone: 661.463.6700

Facsimile: 661.501.4221

jthomas@zimmermelton.com

Attorneys for Defendant Precious Earth Inc.

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

14.368 ACRES, MORE OR LESS, SITUATED  
IN KERN COUNTY, STATE OF  
CALIFORNIA, AND PRECIOUS EARTH  
INC, et al.,

Defendants.

Civil Action No. 1:24-cv-00185-CDB

**[PROPOSED] ORDER GRANTING  
DEFENDANTS' AMENDED  
APPLICATION FOR WITHDRAWAL  
AND DISTRIBUTION OF DEPOSIT OF  
ESTIMATED JUST COMPENSATION**

The Court has received, reviewed, and considered the unopposed Amended Application for Withdrawal and Distribution of Deposit of Estimated Just Compensation and supporting papers (the "Application") filed by Defendant Precious Earth, Inc. ("Defendant").

**NOW THEREFORE**, for good cause shown, the Court hereby GRANTS the Application in its entirety, and IT IS HEREBY ORDERED:

1. Defendant is entitled to withdraw the deposit of estimated just compensation previously deposited by the United States and are to be paid by the Clerk of the Court forthwith, as follows: a payment of \$140,000.00 shall be made payable to Precious Earth, Inc.;

///

///

///

2. Payment shall be mailed by the Clerk of the Court to Defendant's counsel, Justin Thomas, at the following address: Zimmer & Melton, 11601 Bolthouse Drive, Suite 100 Bakersfield, California 93311.

3. Upon distribution of the deposit of estimated just compensation:

- (a) Precious Earth, Inc. shall be liable for any valid claims by other interested parties if it is ultimately determined that Precious Earth, Inc. is entitled to less than the amount disbursed, and, if so, Precious Earth, Inc. shall return the difference to the Court with interest; and
- (b) Precious Earth, Inc. shall pay and discharge in full all taxes, assessments, liens, and encumbrances against the property subject to the Declaration of Taking in this action, if any, in existence as of the date of taking; and
- (c) the United States shall be held harmless from the claims of any and all entities having liens and encumbrances and any other entities who may be entitled to the distributed funds or any part thereof by virtue of any recorded or unrecorded agreement. However, this paragraph does not apply to any portions of a lien or encumbrance in excess of the amount withdrawn by a landowner from the United States' deposit pursuant to this Order.

This Order is without prejudice to the rights of Defendant to seek just compensation in this action for their property interests as provided by law.

IT IS SO ORDERED.

Dated: May 7, 2024

  
UNITED STATES DISTRICT JUDGE